



Workers Compensation Independent Review Office
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The Honourable Shayne Mallard MLC,
Chair,
Standing Committee on Law & Justice,
Parliament House,
SYDNEY NSW 2000

Dear Mr Mallard,

**First Review of the workers' compensation scheme
Response to Questions on Notice**

Question:

Mr DAVID SHOEBRIDGE: Mr Garling, my day-to-day experience of the world shows that Woolworths and Coles are roughly the same size, yet when I look at the complaints that come out of those two systems, both as self-insurers, Coles has 286 complaints, compared to Woolworths' 58. In fact, Coles is two and a half times greater than any other self-insurer. What happens to that data? How do we allow that to continue?

Mr GARLING: I could, I could unpack that particular set of complaints and look at it but I would be fairly confident of what I have just said, that often it involves a particular site and a particular problem with that site and often, where it is highly unionised, there are more complaints come out. But I could not be specific about that particular group. I am happy to have a look at it and give you a report, if that would be of assistance.

Mr DAVID SHOEBRIDGE: I would appreciate that.

Answer:

I attach my report on the Coles Group matters.

Yours faithfully,

KA Garling
Workers Compensation Independent Review Officer

2 December 2016

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**REPORT BY THE WORKERS COMPENSATION INDEPENDENT REVIEW
OFFICER INTO THE APPLICATIONS FOR FUNDING BY INJURED WORKERS
BETWEEN 1 JULY 2015 and 30 JUNE 2016 FOR CLAIMS AGAINST COLES
GROUP LIMITED**

WIRO received 156 applications for funding from lawyers acting for injured workers between 1 July 2015 and 30 June 2016 with claims against Coles Group Limited.

Dates of Injury:

Annexure "A" sets out the claims by Dates of Injury:

This demonstrates that 55 (about 33 %) of these disputed claims arise from injuries before 1 October 2012. 101 are governed by the post 2012 reform process and changes.

Coles Sites:

Annexure "B" sets out the claims by Coles Site.

The claims are across about 91 sites.

Annexure "C" sets out the description of the incident by Coles site and the reason for the dispute. Where the description states "WPI", that will refer to a dispute about the degree of whole person permanent impairment.

Where the reason refers to a denial of liability the Annexure also sets out the sections quoted by Coles as the reason for the claim being disputed.

Finalised Cases:

Annexure "D" sets out the Injury date, the Coles site, the Basis of the Dispute and the final outcome.

Of those 156 applications for funding for injured workers 78 were finalised during the period:

- 12 were declined and funding not granted;
- 24 were provided with preliminary funding to investigate the prospects of success but the grant was closed as that investigation revealed that the worker did not have an arguable case based on the evidence obtained. This reflects the need for a worker to reach a threshold in order to be eligible for compensation.
- 10 were resolved prior to being funded to proceed to the Workers Compensation Commission ("Commission").
- 32 proceeded to the Commission:
 - 7 were resolved at the first opportunity there – teleconference;
 - 16 were resolved following Conciliation;
 - 7 were resolved by consent at an Arbitration
 - 1 was a work injury management dispute;
 - 1 went to a contested hearing by an Arbitrator which resulted in a finding in favour of the worker.



Current Grants

There are 78 grants for workers whose disputes are currently being processed from the initial investigation through to completion.

Annexure "E" sets out the details.

Where the basis of the dispute is "WPI" this reflects the difficulties in resolving these disputes given the current SIRA policy that prevents a compromise of the degree of permanent impairment. This has of course been the subject of the recommendation by the Standing Committee in its 2014 Report which has been simply ignored.

KA Garling
Workers Compensation Independent Review Officer
2 December 2016

ANNEXURE "A"

COLES GROUP 2015/16
INJURY DATE

	Injury Date	Site
1	Multiple 2002/2006	Bi Lo, Kilarney Vale
2	Multiple 2002/2006	Coles Distribution Centre Smeaton Range
3	Multiple 2014, 2015	Coles Supermarket, Liverpool
4	14/06/2002	Target, Miranda Fair
5	11/09/2002	Bi Lo, Tanilba Bay
6	20/04/2004	Officeworks, Punchbowl
7	18/11/2004	Liquorland, Coffs Harbour
8	8/12/2004	Kmart, Merrylands
9	30/12/2004	Bi Lo
10	8/09/2005	Coles Supermarket
11	17/11/2006	Coles Supermarket, North Richmond
12	16/12/2006	Coles Supermarket , Port Macquarie
13	26/01/2007	Target
14	30/03/2007	Coles Supermarket, Stanhope Garden
15	3/05/2007	Coles Supermarket, Marylands
16	18/07/2007	Kmart, Maitland
17	2/10/2007	Officeworks Warehouse, North Rocks
18	22/02/2008	Target, Tamworth
19	22/07/2008	Coles Distribution Centre Goulburn
20	14/02/2009	Kmart, Castle Hill
21	1/04/2009	Coles Express Petrol Station
22	11/04/2009	Officeworks, Fairy Meadow
23	15/04/2009	Target, Chatswood
24	18/07/2009	Bi Lo, Kurri Kurri
25	18/07/2009	Coles Supermarket, Dapto
26	20/10/2009	Coles Supermarket
27	3/03/2010	Coles Supermarket, Windsor
28	26/05/2010	Kmart, Merrylands
29	14/09/2010	Coles Supermarket, Kings Langley
30	21/12/2010	Liquorland, Sylvania
31	13/04/2011	Coles Supermarket, Mt Annan
32	15/04/2011	Target, Bathurst
33	16/07/2011	Coles Supermarket, Narellen
34	2/08/2011	Liquorland, Tanilba Bay
35	4/08/2011	Target, Chatswood
36	5/08/2011	Coles Supermarket, Waterloo
37	7/08/2011	Coles Supermarket
38	17/08/2011	Coles Distribution Centre Eastern Creek
39	25/08/2011	Coles Supermarket, Belmont
40	20/09/2011	Coles Supermarket, Swansea
41	20/09/2011	Officeworks, Business Direct, North Rocks
42	30/09/2011	Kmart, Hornsby

ANNEXURE "A"

COLES GROUP 2015/16
INJURY DATE

	Injury Date	Site
43	18/10/2011	Coles Supermarket, Wagga
44	18/11/2011	Coles Supermarket , Greenhill Centre
45	6/03/2012	Coles Supermarket, Wingham
46	8/03/2012	Kmart, Fairfield
47	29/03/2012	Coles Supermarket, Windsor
48	5/04/2012	Coles Supermarket, Liverpool
49	9/04/2012	Coles Supermarket, Hurstville
50	23/05/2012	Target, Campbelltown
51	22/06/2012	Coles Distribution Centre Smeaton Range
52	26/06/2012	Coles Supermarket, Oatley
53	12/07/2012	Coles Supermarket, Tamworth
54	12/07/2012	Coles Supermarket, Tamworth
55	21/08/2012	Coles Distribution Centre Smeaton Grange
56	12/12/2012	Coles Distribution Centre Smeaton Range
57	23/12/2012	Coles Express Petrol Station Batehaven
58	1/02/2013	Coles Supermarket, Nowra
59	6/05/2013	Coles Supermarket, Sylvania
60	1/06/2013	Coles Supermarket, Vincentia
61	13/06/2013	Coles Supermarket, Rouse Hill
62	1/07/2013	Coles Supermarket, Epping
63	3/07/2013	Bi Lo, Thornton
64	19/07/2013	Coles Supermarket, Kincumber
65	8/08/2013	Target, Goulburn
66	1/09/2013	Target, Liverpool
67	10/09/2013	Coles Supermarket, Laurieton
68	1/10/2013	Coles Supermarket, Ulladulla
69	29/10/2013	Coles Distribution Centre Somersby
70	10/11/2013	Bi Lo, Tenterfield
71	25/11/2013	Coles Supermarket, North Richmond
72	29/01/2014	Coles Supermarket, Belmont
73	1/02/2014	Coles Supermarket, Vincentia
74	7/02/2014	Coles Distribution Centre Smeaton Range
75	20/03/2014	Coles Supermarket, Shellharbour
76	20/03/2014	Coles Warehouse, Richmond
77	20/03/2014	Liquorland, Toukley
78	6/04/2014	Coles Supermarket, Swansea
79	14/04/2014	Coles Supermarket, Shellharbour
80	19/04/2014	Coles Supermarket, Orange
81	26/04/2014	Coles Supermarket, Bowral
82	16/05/2014	Coles Supermarket, Bathurst
83	21/05/2014	Target, Goulburn
84	10/06/2014	Coles Supermarket, Nowra

ANNEXURE "A"

COLES GROUP 2015/16
INJURY DATE

	Injury Date	Site
85	23/06/2014	Coles Supermarket, Bondi Junction
86	24/07/2014	Coles Supermarket, Nowra
87	9/08/2014	Coles Express Petrol Station
88	9/08/2014	Coles Express Petrol Station
89	17/08/2014	Liquorland, Toukley
90	8/09/2014	Coles Supermarket, Port Macquarie
91	24/09/2014	Liquorland, Kariong
92	1/10/2014	Coles Supermarkets, Bonnell Bay
93	9/10/2014	Coles Supermarket, Nowra
94	6/11/2014	Coles Supermarket, Picton
95	13/11/2014	Target, Foster
96	15/11/2014	Coles Supermarket, Eastern Creek
97	21/11/2014	Vintage Cellars, Chatswood Chase
98	21/12/2014	Target, Bondi Junction
99	31/12/2014	Coles Supermarket, Brighton Le Sands
100	9/01/2015	Coles Supermarket, Lake Haven
101	13/01/2015	Target, Erina Fair
102	28/01/2015	Coles Supermarket, Orange
103	2/02/2015	Coles Supermarket , Murwillumbah
104	3/02/2015	Coles Supermarket, Mudgee
105	17/02/2015	Coles Supermarket, Inverell
106	19/02/2015	Coles Supermarket, Rose Bay
107	21/02/2015	Coles Distribution Centre Smeaton Range
108	28/02/2015	Coles Supermarket, Liverpool
109	12/03/2015	Coles Supermarket, Penrith
110	18/03/2015	Coles Supermarket, Harrington Park
111	1/04/2015	Coles Supermarket, Laurieton
112	1/04/2015	Target, Parramatta
113	13/04/2015	Coles Distribution Centre Smeaton Range
114	18/04/2015	Coles Supermarket, Tweedheads
115	7/05/2015	Coles Supermarket, Fairfield
116	10/05/2015	Coles Supermarket, Bateau Bay
117	18/05/2015	Coles Distribution Centre Eastern Creek
118	19/05/2015	Coles Supermarkets, Erina
119	20/05/2015	Coles Supermarket, Birkenhead Point
120	24/05/2015	Coles Supermarket, Broadway
121	30/05/2015	Coles Supermarket, Gladsville
122	1/06/2015	Coles Supermarket, Tormina
123	5/06/2015	Coles Distribution Centre Goulburn
124	6/06/2015	Coles Distribution Centre Eastern Creek

ANNEXURE "A"

COLES GROUP 2015/16
INJURY DATE

	Injury Date	Site
125	19/06/2015	Coles Supermarket, Grafton
126	20/06/2015	Coles Distribution Centre Smeaton Range
127	22/06/2015	Coles Supermarket, Warriewood
128	25/06/2015	Coles Supermarket, Wagga
129	30/06/2015	Coles Express Petrol Station Lane Cove
130	6/07/2015	Coles Distribution Centre Smeaton Range
131	9/07/2015	Coles Supermarket, Manlyvale
132	9/07/2015	Coles Supermarket, Rhodes
133	14/07/2015	Coles Distribution Centre Eastern Creek
134	14/07/2015	Coles Supermarket, Goonellabah
135	18/07/2015	Coles Distribution Centre Eastern Creek
136	18/07/2015	Coles Supermarket, Wagga
137	1/09/2015	Coles Supermarket, Warrawong
138	3/09/2015	Coles Supermarket, Taree
139	22/09/2015	Coles Supermarket, Salmander
140	28/09/2015	Target, Bankstown
141	15/10/2015	Coles Supermarket, Randwick
142	2/11/2015	Target, Cowra
143	14/11/2015	Coles Distribution Centre Smeaton Range
144	14/11/2015	Coles Supermarket
145	17/11/2015	Coles Supermarket, Cooma
146	18/11/2015	Coles Supermarket, Batemans Bay
147	18/11/2015	Coles Supermarket, Oatley
148	18/11/2015	Coles Supermarket, Port Macquarie
149	27/11/2015	Coles Distribution Centre Smeaton Range
150	28/01/2016	Coles Supermarket, Orange
151	26/02/2016	Coles Distribution Centre Eastern Creek
152	1/03/2016	Coles Supermarkets, Sylvania
153	1/04/2016	Coles Supermarket, Kempsey
154	26/05/2016	Coles Supermarket, Moree
155	8/06/2016	Kmart, Sylvania
156	26/08/2016	Coles Supermarket, Ulladulla

ANNEXURE "B"

COLES GROUP 2015/16
COLES SITE

Number	Injury Date	Site
1	Multiple 2002/2006	Bi Lo, Kilarney Vale
2	18/07/2009	Bi Lo, Kurri Kurri
3	11/09/2002	Bi Lo, Tanilba Bay
4	10/11/2013	Bi Lo, Tenterfield
5	3/07/2013	Bi Lo, Thornton
6	30/12/2004	Bi Lo
7	6/06/2015	Coles Distribution Centre Eastern Creek
8	22/07/2008	Coles Distribution Centre Goulburn
9	18/05/2015	Coles Distribution Centre Eastern Creek
10	14/07/2015	Coles Distribution Centre Eastern Creek
11	18/07/2015	Coles Distribution Centre Eastern Creek
12	26/02/2016	Coles Distribution Centre Eastern Creek
13	17/08/2011	Coles Distribution Centre Eastern Creek
14	5/06/2015	Coles Distribution Centre Goulburn
15	21/08/2012	Coles Distribution Centre Smeaton Grange
16	22/06/2012	Coles Distribution Centre Smeaton Range
17	12/12/2012	Coles Distribution Centre Smeaton Range
18	7/02/2014	Coles Distribution Centre Smeaton Range
19	21/02/2015	Coles Distribution Centre Smeaton Range
20	13/04/2015	Coles Distribution Centre Smeaton Range
21	20/06/2015	Coles Distribution Centre Smeaton Range
22	6/07/2015	Coles Distribution Centre Smeaton Range
23	14/11/2015	Coles Distribution Centre Smeaton Range
24	27/11/2015	Coles Distribution Centre Smeaton Range
25	Multiple 2002/2006	Coles Distribution Centre Smeaton Range
26	29/10/2013	Coles Distribution Centre Somersby
27	1/04/2009	Coles Express Petrol Station
28	9/08/2014	Coles Express Petrol Station
29	9/08/2014	Coles Express Petrol Station
30	23/12/2012	Coles Express Petrol Station Batehaven
31	30/06/2015	Coles Express Petrol Station Lane Cove
32	8/09/2005	Coles Supermarket
33	20/10/2009	Coles Supermarket
34	7/08/2011	Coles Supermarket
35	14/11/2015	Coles Supermarket
36	18/11/2011	Coles Supermarket , Greenhill Centre
37	2/02/2015	Coles Supermarket , Murwillumbah
38	16/12/2006	Coles Supermarket , Port Macquarie
39	26/04/2014	Coles Supermarket, Bowral
40	10/05/2015	Coles Supermarket, Bateau Bay
41	18/11/2015	Coles Supermarket, Batemans Bay
42	16/05/2014	Coles Supermarket, Bathurst
43	25/08/2011	Coles Supermarket, Belmont
44	29/01/2014	Coles Supermarket, Belmont

ANNEXURE "B"

COLES GROUP 2015/16

COLES SITE

Number	Injury Date	Site
45	20/05/2015	Coles Supermarket, Birkenhead Point
46	23/06/2014	Coles Supermarket, Bondi Junction
47	31/12/2014	Coles Supermarket, Brighton Le Sands
48	24/05/2015	Coles Supermarket, Broadway
49	17/11/2015	Coles Supermarket, Cooma
50	18/07/2009	Coles Supermarket, Dapto
51	15/11/2014	Coles Supermarket, Eastern Creek
52	1/07/2013	Coles Supermarket, Epping
53	7/05/2015	Coles Supermarket, Fairfield
54	30/05/2015	Coles Supermarket, Gladsville
55	14/07/2015	Coles Supermarket, Goonellabah
56	19/06/2015	Coles Supermarket, Grafton
57	18/03/2015	Coles Supermarket, Harrington Park
58	9/04/2012	Coles Supermarket, Hurstville
59	17/02/2015	Coles Supermarket, Inverell
60	1/04/2016	Coles Supermarket, Kempsey
61	19/07/2013	Coles Supermarket, Kincumber
62	14/09/2010	Coles Supermarket, Kings Langley
63	9/01/2015	Coles Supermarket, Lake Haven
64	10/09/2013	Coles Supermarket, Laurieton
65	1/04/2015	Coles Supermarket, Laurieton
66	5/04/2012	Coles Supermarket, Liverpool
67	28/02/2015	Coles Supermarket, Liverpool
68	Multiple 2014, 2015	Coles Supermarket, Liverpool
69	9/07/2015	Coles Supermarket, Manlyvale
70	3/05/2007	Coles Supermarket, Marylands
71	26/05/2016	Coles Supermarket, Moree
72	13/04/2011	Coles Supermarket, Mt Annan
73	3/02/2015	Coles Supermarket, Mudgee
74	16/07/2011	Coles Supermarket, Narellen
75	25/11/2013	Coles Supermarket, North Richmond
76	17/11/2006	Coles Supermarket, North Richmond
77	1/02/2013	Coles Supermarket, Nowra
78	10/06/2014	Coles Supermarket, Nowra
79	24/07/2014	Coles Supermarket, Nowra
80	9/10/2014	Coles Supermarket, Nowra
81	26/06/2012	Coles Supermarket, Oatley
82	18/11/2015	Coles Supermarket, Oatley
83	19/04/2014	Coles Supermarket, Orange
84	28/01/2015	Coles Supermarket, Orange
85	28/01/2016	Coles Supermarket, Orange
86	12/03/2015	Coles Supermarket, Penrith

ANNEXURE "B"

COLES GROUP 2015/16
COLES SITE

Number	Injury Date	Site
87	6/11/2014	Coles Supermarket, Picton
88	8/09/2014	Coles Supermarket, Port Macquarie
89	18/11/2015	Coles Supermarket, Port Macquarie
90	15/10/2015	Coles Supermarket, Randwick
91	9/07/2015	Coles Supermarket, Rhodes
92	19/02/2015	Coles Supermarket, Rose Bay
93	13/06/2013	Coles Supermarket, Rouse Hill
94	22/09/2015	Coles Supermarket, Salamander
95	20/03/2014	Coles Supermarket, Shellharbour
96	14/04/2014	Coles Supermarket, Shellharbour
97	30/03/2007	Coles Supermarket, Stanhope Garden
98	6/04/2014	Coles Supermarket, Swansea
99	20/09/2011	Coles Supermarket, Swansea
100	6/05/2013	Coles Supermarket, Sylvania
101	12/07/2012	Coles Supermarket, Tamworth
102	12/07/2012	Coles Supermarket, Tamworth
103	3/09/2015	Coles Supermarket, Taree
104	1/06/2015	Coles Supermarket, Tormina
105	18/04/2015	Coles Supermarket, Tweedheads
106	1/10/2013	Coles Supermarket, Ulladulla
107	26/08/2016	Coles Supermarket, Ulladulla
108	1/06/2013	Coles Supermarket, Vincentia
109	1/02/2014	Coles Supermarket, Vincentia
110	18/10/2011	Coles Supermarket, Wagga
111	25/06/2015	Coles Supermarket, Wagga
112	18/07/2015	Coles Supermarket, Wagga
113	1/09/2015	Coles Supermarket, Warrawong
114	22/06/2015	Coles Supermarket, Warriewood
115	5/08/2011	Coles Supermarket, Waterloo
116	3/03/2010	Coles Supermarket, Windsor
117	29/03/2012	Coles Supermarket, Windsor
118	6/03/2012	Coles Supermarket, Wingham
119	19/05/2015	Coles Supermarkets, Erina
120	1/10/2014	Coles Supermarkets, Bonnell Bay
121	1/03/2016	Coles Supermarkets, Sylvania
122	20/03/2014	Coles Warehouse, Richmond
123	14/02/2009	Kmart, Castle Hill
124	8/03/2012	Kmart, Fairfield
125	30/09/2011	Kmart, Hornsby
126	18/07/2007	Kmart, Maitland
127	26/05/2010	Kmart, Merrylands
128	8/12/2004	Kmart, Merrylands

ANNEXURE "B"

COLES GROUP 2015/16
COLES SITE

Number	Injury Date	Site
129	8/06/2016	Kmart, Sylvania
130	2/08/2011	Liquorland, Tanilba Bay
131	18/11/2004	Liquorland, Coffs Harbour
132	24/09/2014	Liquorland, Kariong
133	21/12/2010	Liquorland, Sylvania
134	20/03/2014	Liquorland, Toukley
135	17/08/2014	Liquorland, Toukley
136	2/10/2007	Officeworks Warehouse, North Rocks
137	20/09/2011	Officeworks, Business Direct, North Rocks
138	11/04/2009	Officeworks, Fairy Meadow
139	20/04/2004	Officeworks, Punchbowl
140	26/01/2007	Target
141	28/09/2015	Target, Bankstown
142	15/04/2011	Target, Bathurst
143	21/12/2014	Target, Bondi Junction
144	23/05/2012	Target, Campbelltown
145	15/04/2009	Target, Chatswood
146	4/08/2011	Target, Chatswood
147	2/11/2015	Target, Cowra
148	13/01/2015	Target, Erina Fair
149	13/11/2014	Target, Foster
150	8/08/2013	Target, Goulburn
151	21/05/2014	Target, Goulburn
152	1/09/2013	Target, Liverpool
153	14/06/2002	Target, Miranda Fair
154	1/04/2015	Target, Parramatta
155	22/02/2008	Target, Tamworth
156	21/11/2014	Vintage Cellars, Chatswood Chase

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
1 Coles Supermarket	Baker exposed to noise from mixing bowl, dough roller, tins etc	Ear	WPI
2 Coles Distribution Centre Smeaton Range	Forklift operator injured neck and shoulder as a result of nature and conditions of employment which involved operating forklift for 90% of shift with minimal rotation	Neck	Denial of Liability s 74 Notice 4,9,9A,33,59,60
3 Coles Distribution Centre Smeaton Range	Picker/packer injured neck, back and shoulder when loading truck with pallets and pulling bars down to lock in pallets	Neck	WPI
4 Bi Lo	Night Filler injured back due to nature and conditions of employment	Back	WPI
5 Bi Lo, Thornton	Sales Assistant injured back when lifting stock above her head when standing on unstable step ladder, box split open, worker twisted and injured back	Back	WPI
6 Coles Distribution Centre Eastern Creek	Picker/packer injured back when bending over to pick up box together with nature and conditions of employment which required him to continuously bend, lift and twist	Back	Denial of Liability s 74 Notice s4,9
7 Coles Distribution Centre Eastern Creek	Forklift operator/picker/packer required to get off forklift to consolidate boxes (weighing 1-25kg) injuring back & nature and conditions of employment which required him to continuously bend, lift, twist, and turn. He would have to on average everyday pick 1600 boxes	Back	Denial of Liability s74 Notice s4,9, 15, 16,33,36,37,38,59,60
8 Coles Distribution Centre Smeaton Range	Storeman (picker/packer) injured back when required to lift and transfer 18kg boxes of soft drink from one pallet to another	Back	Denial of Liability s 74 Notice s4,9,9A,15, 16,33,59,60
9 Coles Distribution Centre Smeaton Range	Picker/Packer injured hip and back when twisting to bend to pick up a box as she was stepping off machine	Back	Denial of Liability s74 Notice s4,9A, 15, 16,33,36,37,38,59,60
6 Coles Distribution Centre Somersby	Storeman/Forklift driver injured back due to repetitive lifting of 15 kilogram cartons	Back	WPI 2015 Lump Sum Reg

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
10	Coles Distribution Centre Somersby	Back	WPI 2015 Lump Sum Reg
11	Coles Express Petrol Station	Back	Denial of Liability S74 Notice s9A,33,34,35,36,37,38,59,60
12	Coles Express Petrol Station	Back	WPI
13	Coles Express Petrol Station Batehaven	Back	Denial of Liability Weekly Payments s74 Notice s33,59,60
14	Coles Express Petrol Station Lane Cove	Back	Denial of Liability s74 Notice s9A,16,33,36,37,38,59,60
15	Coles Supermarket , Murwillumbah	Back	Denial of Liability s 74 Notice s60
16	Coles Supermarket,	Back	WPI
17	Coles Supermarket, Bateau Bay	Back	WPI
18	Coles Supermarket, Bathurst	Back	Denial of Liability s 74 Notice G20s9,33,36,37,38,59,60
19	Coles Supermarket, Birkenhead Point	Back	Denial of Liability s74 Notice s33,36,37,38,59,60

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
20 Coles Supermarket, Bondi Junction	Night Filler injured back and knees as a result of nature and conditions of restocking shelves	Back	Denial of Liability s74 Notice s4,9A,15,16,33,36,37,38,59,60
21 Coles Supermarket, Brighton Le Sands	Shop Assistant injured back due to nature and conditions of employment which required her to carry chicken tubs weighing up to 9kgs, repetitive bending and lifting and restocking.	Back	Denial of Liability s74 Notice [no s74 notice on file]
22 Coles Supermarket, Broadway	Bakery worker required to pick up heavy deliveries of bread, bag them onto trolleys with poor wheels and difficult to move injured back	Back	Denial of Liability s74 Notice s33,36,37,38,59,60
23 Coles Supermarket, Fairfield	Shop assistant injured back when lifting and carrying x3 packs of 24 cans of drinks and transferring to a trolley	Back	Denial of Liability s 74 Notice s 4,9,9A,15,16,33
24 Coles Supermarket, Gladsville	Shop Assistant sustained injury to back, left hip and left knee, as a result of nature and conditions of employment which involved prolonged standing, intermittent bending and twisting.	Back	Denial of Liability s74 Notice s9,9A,33,36,37,38,59,60
25 Coles Supermarket, Goonellabah	Night Filler injured back as a result of nature and conditions of employment which required him to lift heavy cartons of foodstuffs, crates off pallets and onto trolleys and frequent uppacking	Back	Denial of Liability s 74 Notice s4,9,9A,15,16,33,59,60
26 Coles Supermarket, Grafton	Service Assistant injured back due to nature and conditions of employment requiring her to lift and scan heavy items	Back	Denial of Liability s 74 Notice s4,9A,33,15,16,36,37,38,59,60
27 Coles Supermarket, Hurstville	Service Assistant injured due to nature and conditions of employment which required him to unpack boxes weighing 16 kilograms developing pain in lower back	Back	Denial of Liability Weekly Payments s74 Notice s15, 16, 33, 59A
28 Coles Supermarket, Lake Haven	Deil Team member injured back due to nature and conditions of employment involving handling boxes of chickens and unloading and loading boxes in cool room suitable duties on basis of denial of liability of the claim	Back	Denial of Liability s 74 Notice s33,59,60
29 Coles Supermarket, Laurieton	Shop Assistant injured back due to nature and conditions of employment as a result of repetitively bending and lifting goods into freezer	Back	Denial of Liability Medical treatment

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
30 Coles Supermarket, North Richmond	Shop Assistant injured neck and back when box of drinks fell on her	Back	Denial of Liability s 74 Notice s4,9,33,60
27 Coles Supermarket, North Richmond	Shop Assistant injured neck and back when a box containing 12 x 1.25 litre bottles of drinks fell from roll cage on her head	Back	Denial of Liability s 74 Notice s4,9,33,60
28 Coles Supermarket, Orange	Bakery worker pushing bread racks and standing on feet all day injured back	Back	Denial of Liability s 74 Notice s4,9,9A,33,36,37,38,59,60
31 Coles Supermarket, North Richmond	Shop Assistant injured neck and back when a box containing 12 x 1.25 litre bottle soft drinks fell from roll cage on her head	Back	Denial of Liability s 74 Notice s4,9,33,60
32 Coles Supermarket, Orange	Bakery worker pushing bread racks and standing on feet all day injured back	Back	Denial of Liability s 74 Notice s4,9,9A,33,36,37,38,59,60
33 Coles Supermarket, Orange	Checkout operator working on registers when scanning a 24 pack of water injured back when plastic got caught on scanner. Store had recently renewed scanner and plates not seated flatly	Back	WPI
34 Coles Supermarket, Picton	Shop assistant injured back when carrying crate containing 8 chickens when crate broke, causing her to jolt and injured back and due to nature and conditions of employment	Back	Denial of Liability s74 Notice s15,16,33,60
35 Coles Supermarket, Port Macquarie	Checkout Operator injured lower back due to nature and conditions of employment involving repetitive duties and no rotation of duties	Back	Denial of Liability s74 Notice s16,33,36,37,38,60
36 Coles Supermarket, Rose Bay	Sales Assistant injured back when bending over to lift 3 cartons of soft drink (aggravated lower back pain)	Back	Denial of Liability s 74 Notice s4,9,9A,33,36,37,38,59,60
37 Coles Supermarket, Tamworth	Shop Assistant injured left knee/back when she slipped on wet ramp	Back	Denial of Liability Weekly Payments s 74 Notice s4,33,36,37,59 and 60
38 Coles Supermarket, Vincentia	Fruit and Vegetable Manager required to load trolleys with crates of produce injured back due to heavy lifting, frank injury on 13/06/2013 when retrieving bags of potatoes	Back	Denial of Liability s74 Notice s4,9,9A,59,60
39 Coles Supermarket, Windsor	Deli Team Member slipped in damaged coolroom floor injuring back	Back	WPI

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
40 Coles Supermarket, Wingham	Deil worker required to stand on tip toes lifting heavy bucket of water to clean metal trays in deli area injuring her back	Back	WPI
41 Liquorland, Coffs Harbour	Storeman required to lift heavy cartons of alcohol including 15 kilogram boxes of beer and 26kg of wine	Back	WPI - liability accepted less than 11%
42 Liquorland, Kariong	Sales Assistant injured back due to nature and conditions of her employment which required prolonged heavy repeated lifting including cartons of beer wine and spirits.	Back	Denial of Liability s 74 Notice s33,59,60
43 Liquorland, Toukley	Sales Assistant injured back due to nature and conditions repeatedly lifting heavy objects - frank injury on 20 March 2014 when bending down to lift a carton of alcohol. Working alone. Work is fast paced. Required to work quickly.	Back	Denial of Liability s74 Notice s9A,33,59,60
44 Liquorland, Toukley	Sales Assistant injured back pulling beers on pallet slipping on ground	Back	Denial of Liability WIM s74 Notice s4,9A,33,60
45 Officeworks, Punchbowl	Customer Service pulling boxes off pallet and moving to another pallet, required constant twisting, turning to handle cartons and bending over injured back	Back	Denial of Liability s4, 9A
46 Target	Shop Assistant injured back when picked up a medium sized box from floor and twisted to put on stack of other boxes	Back	Commutation
47 Target, Campbelltown	Customer Service Officer injured in journey claim when she slipped on embankment in the car park.	Back	WPI
48 Target, Goulburn	Shop Assistant injured back due to nature and conditions of employment which required her to constantly bend down to look at items on lower shelves, pick up clothes	Back	WPI
49 Coles Distribution Centre Eastern Creek	Picker/packer experienced pain in groin and hip due to nature and conditions of employment for the past 12 years which required him to	Abdomen and pelvic region	Denial of Liability s 74 Notice s4,9,9A,33,60
50 Coles Distribution Centre Smeaton Range	Picker/Packer sustained hernia as a result of lifting boxes of coke, dog food, and sugar 9 hours per day	Abdomen and pelvic region	Denial of Liability s 74 Notice s4,9,9A,15,16,33,59,60

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
51 Coles Supermarket, Liverpool	Night Filler injured back due to nature and conditions of employment which required lifting boxes of milk on to shelves he had unloaded 2 cages containing boxes of milk	Abdomen and pelvic region	Denial of Liability s 74 Notice s4,9,9A,33
52 Coles Distribution Centre Eastern Creek	Storeperson injured shoulder due to nature and conditions of employment moving packs of 6 x 4L wine casks from floor to above shoulder height all day f	Shoulder	WPI
53 Coles Distribution Centre Smeaton Range	Picker/Packer sustained injury to right shoulder when lifting 24 Monster cans to put on trolley	Shoulder	WPI
54 Coles Supermarket	* journey claim MVA injured when he came off bike on the way to work - worker at fault*	Shoulder	WPI
55 Coles Supermarket, Greenhill Centre	Shop Assistant lifting milk crates stacked five high - she is short and had to lift above shoulder height, injured left shoulder and suffered consequential loss to her right shoulder	Shoulder	Denial of Liability s 74 Notice s59,60
56 Coles Supermarket, Port Macquarie	Shop Assistant injured right shoulder when lifting heavy box of dog food weighing 12-13 kilograms and nature and conditions of repetitive work at checkouts further sustained injury to right shoulder and then consequential loss to left shoulder	Shoulder	Denial of Liability s74 Notice s9A,33,34,36,37,38,59,60
57 Coles Supermarket, Belmont	Service Assistant injured right shoulder and neck after lifting 24 packet of 600ml water bottles from ground only trolley at chest height	Shoulder	Denial of Liability s 74 Notice s33,59,60
58 Coles Supermarket, Belmont	Service Assistant injured right shoulder when bringing load of 6-10 trolleys from car park, stopped suddenly and injured right shoulder	Shoulder	Denial of Liability s 74 Notice s4,9,9A,33,59,60
59 Coles Supermarket, Dapto	Bakery hand injured left shoulder carrying stock through freezer door when plastic stripping caught her left shoulder	Shoulder	WPI
60 Coles Supermarket, Liverpool	Baker injured left elbow and shoulder as a result of nature and conditions requiring undertake repetitive work particularly over the Easter period due to increase demand in Hot Cross Buns	Shoulder	Denial of Liability s74 Notice s4,9,9A,15,16

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
61	Coles Supermarket, Moree Shop Assistant injured right elbow/shoulder/left wrist as a result of nature and conditions of employment which required her to constantly lift bottles of milk	Shoulder	Denial of Liability Weekly Payments s 74 Notice s33,34,36,37,38,59,60
62	Coles Supermarket, Mudgee Checkout operator injured right shoulder when turning and reaching to obtain Cigarettes for customer following 3 hours of checkout duties with no rotation	Shoulder	Denial of Liability s 74 Notice s4,9,9A,33,59,60+G105
63	Coles Supermarket, Nowra Shop Assistant injury to right shoulder due to nature and conditions of employment for 30 years which required her to unload pallets, crates of milk, stock shelves	Shoulder	Denial of Liability Medical treatment s74 Notice s 4,9A,15,16,59,60
64	Coles Supermarket, Nowra Deli worker injured due to nature and conditions of employment which involved lifting heavy ice buckets weighing 10-12kgs, and walking buckets to sink and lifting into sink to empty	Shoulder	Denial of Liability Medical treatment s74 Notice s60
65	Coles Supermarket, Rouse Hill Shop Assistant cleaning oil on floor and slipped on same injuring back	Shoulder	WPI
66	Coles Supermarket, Salmander Shop assistant injured shoulder when pushing and pulling roll cage trolley	Shoulder	Denial of Liability s 74 Notice s9A,33,36,37,38,59,60
67	Coles Supermarket, Swansea Night Filler injured left shoulder due to nature and conditions of employment which required unpacking and restocking freezer shelves above head height on a repetitive basis	Shoulder	Denial of Liability s 74 Notice s4,9A,33
68	Coles Supermarket, Sylvania Shop Assistant injured right shoulder and arm due nature and conditions of employment requiring unloading of pallets, shifting trolleys and pallets, and performing register work	Shoulder	Denial of Liability Weekly Payments
69	Coles Supermarket, Windsor Picker/packer injured left arm pulling heavy rollcage loaded with drinks, left arm caught between cage and cool room door injured L arm and shoulder and consequential injury to right arm/shoulder both requiring surgery	Shoulder	WPI

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute/Reason
70	Coles Supermarkets, Erina Sales Assistant injured left shoulder due to nature and conditions of employment which required heavy and repetitive lifting, stretching, serving and reaching in display cabinets with extension and repetitive strain	Shoulder	Denial of Liability s 74 Notice s4,9A,15,16,59,60,33
71	Coles Supermarkets, Bonnell Bay Sales Assistant injured right shoulder and neck due to nature and conditions of employment for 37 years which required her to print off batch of 200-300 tickets, separate tickets and place tickets onto shelves in the store. Replaced 3000-5000 tickets per day.	Shoulder	Denial of Liability s 74 Notice s4,9,9A,59,60,33
72	Kmart, Merrylands Picker/Packer sustained injury to right shoulder and neck when required to lift heavy boxes from conveyor belt and stack up to 1.8m high	Shoulder	WPI
73	Target, Erina Fair Sales Assistant injured neck, back, shoulder when lifting buckets containing heavy metal chains, lifting heavy awkward boxes and nature and conditions of employment	Shoulder	Denial of Liability s 74 Notice s 4,9,9A,33,59,60
74	Target, Miranda Fair Shop Assistant tripped on child's stroller in store and injured her left shoulder, continued working, favoured her right shoulder. She was not given appropriate light duties. She was directed to unpack boxes of clothing and put on hangers continuously for 4 hours per day. Surgery was recommended.	Shoulder	Denial of Liability s74 Notice s4,9A,33,59
75	Coles Supermarket, Nowra Night Filler hit her elbow on edge of cardboard box compactor	Upper arm	WPI
76	Coles Supermarket, Swansea Sales assistant injured right shoulder when attempting to disengaged pallets stuck weighing 15 kilograms each	Upper arm	Denial of Liability s74 Notice s4,9,9A,33,59,60
77	Target, Bathurst Offsite Warehouse Manager who was not allowed to stack pallets using forklift and required to stack them manually 8 high when in doing so he injured his right elbow and shoulder	Upper arm	WPI

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
78 Coles Supermarket, Tamworth	Shop Assistant injured when walking down ramp and foot slipped sustaining injury to left shoulder, elbow and thoracic spine	Elbow	WPI
79 Coles Supermarket, Shellharbour	Delivery Driver for Coles Online fell out of delivery truck landing on right arm	Forearm	WPI
80 Coles Distribution Centre Eastern Creek	Storeman slipped in bathroom at work and injured his right hand/wrist fracturing trapezium.	Wrist	Denial of Liability s74 Notice s4,9A, s33, 59, 60
81 Coles Supermarket, Bowral	Checkout Operator developed carpal tunnel syndrome as a result of working multiple consecutive shifts and longer hours over the Easter weekend	Wrist	Denial of Liability s74 Notice s9A,33,36,37,38,60
82 Coles Supermarket, Batemans Bay	Trolley Collector/ Cleaner pushing line of trolleys when leader trolley hit pole and jolted worker sustaining injury to wrist	Wrist	WPI
83 Coles Supermarket, Kings Langley	Shop Assistant scubbing cabinet in Deli when cabinet door fell on her striking her right arm.	Wrist	Denial of Liability Medical treatment s 74 Notice s60
84 Kmart, Maitland	Retail Assistant injured wrist when he slipped and landed on wet floor at work.	Wrist	WPI 2015 Lump Sum Reg
85 Liquorland, Tanilba Bay	Shop assistant injured wrist after lifting 400 cartons of beer off pallet	Wrist	WPI
86 Officeworks, Fairy Meadow	Checkout Operator injured wrist when scanning printer which landed on her left wrist	Wrist	WPI
87 Bi Lo, Tenterfield	Filler rolled large cage filled with stock for shelving and as she attempted to manoeuvre the cage it rolled away and trapped her hand between the doorway and the loaded cage.	Hand, fingers and thumb	WPI
88 Coles Distribution Centre Smeaton Range	Picker/Packer/ Forklift driver when he lost control of forklift and fingers caught between frame and pallet requiring amputation of 4 fingers	Hand, fingers and thumb	WPI
89 Coles Supermarket	Picker/Packer/ Forklift driver when he lost control of forklift and fingers caught between frame and pallet requiring amputation of 4 fingers	Hand, fingers and thumb	WPI
90 Coles Supermarket, Stanhope Garden	Filler had finished work bought groceries and one fell off the conveyor belt and she injured her R hand/finger	Hand, fingers and thumb	WPI

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
91 Coles Supermarket, Tweedheads	Shop Assistant injured right thumb over past 20 years sustained injured right thumb ripping tickets for display shelves (up to 3000 per day), paper difficult to rip to	Hand, fingers and thumb	Denial of Liability s 74 Notice s4,9,9A,60
92 Kmart, Fairfield	Checkout operator injured right thumb when she was lifting a bag for a customer and knocked thumb against base of metal bar of bag holder	Hand, fingers and thumb	WPI
93 Target, Chatswood	Shop Assistant developed carpal tunnel as a result of nature and conditions of employment using fingers and hands repeatedly to handle stock, clips on coathangers	Hand, fingers and thumb	Denial of Liability s 74 Notice s4,59,60
94 Coles Supermarket, Catley	Shop assistant sustained injury to neck, elbows due to nature and conditions of employment involving repetitive work, heavy lifting without rotation of duties or ergonomic assessment	Upper limb - multiple locations	Denial of Liability s74 Notice s4,9,15,16,33
95 Coles Supermarket, Randwick	Filler injured right shoulder when pulling an overloaded trolley up a hill	Upper limb - multiple locations	Denial of Liability s 74 Notice s4,9,9A,59,60
96 Coles Supermarket, Shellharbour	Night Filler required to reach above head height to retrieve boxes from cages and perform fast repetitive work which resulted in injury to right arm and consequential injury to left arm	Upper limb - multiple locations	Denial of Liability s74 Notice s4,9A,15,16,33
97 Coles Supermarket, Tormina	Shelf stacker injured left shoulder and elbow as a result of nature and conditions of employment involving repetitive filling duties	Upper limb - multiple locations	Denial of Liability s 74 Notice s4,9A,33,36,37,38,59,60
98 Coles Distribution Centre Eastern Creek	Storeman age 29 working 45 hours per week on a full time basis duties include going up and down stairs, coming on and off forklifts,	Hip	Denial of Liability Weekly Payments s74 Notice s4,9,15,16,59,60,33
99 Coles Supermarket, Eastern Creek	Storeperson/ Picker/Packer injured hip and groin due to nature and conditions of employment which required him to repetitively lift, bend pick and pack boxes weighing up to 20kgs	Hip	Denial of Liability s 74 Notice s4,9,9S,15,16,33,59,60

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
100 Coles Supermarket, Tarree	Cleaner/trolley collector required to push trolleys down a slope but had to pull trolleys up to a sudden stop to prevent hitting with car and in doing so injured lower back/hip	Hip	Denial of Liability s74 Notice s4,9A,33,36,37,38,59,60
101 Coles Supermarket, Wagga	Retail Manager injured pelvis when he went to place a pallet jack under a pallet, pallet was broken and pallet jack came back and struck me in pelvis	Hip	WPI
102 Kmart, Hornsby	Sales Assistant injured when pulling a rail loaded with clothing which caught on two bollards and she injured left hip requiring left hip abductor surgery	Hip	WPI
103 Coles Supermarket, Orange	Bakery worker lifting empty tray and twisted to left felt pain in left buttock.	Upper leg	Denial of Liability s74 Notice s33,36,37,38,59,60
104 Coles Distribution Centre Goulburn	Forklift operator/picker/packer injured right knee when exiting forklift	Knee	Denial of Liability Medical treatment s74 Notice s4, 9, 33
105 Coles Distribution Centre Smeaton Range	Forklift operator/Picker & Packer injured left knee when stepping off a high reach forklift	Knee	Denial of Liability s 74 Notice s9A,60
106 Coles Distribution Centre Smeaton Range	Forklift Driver sustained multiple injuries including injury to neck when driving forklift when he swerved to avoid near collision, injury to knee when he was picking up 26kg drinks from a low pallet and banged his right knee and back pain when he was standing between two pallets and injured back.	Knee	WPI 2015 Lump Sum Reg
107 Coles Supermarket, Laurieton	Fruit and Vegetable Storeman injured knee when his right foot was caught under trolley and he landed on concrete	Knee	Denial of Liability s74 Notice s33,34,36,37,38,59,60
108 Coles Supermarket, Mt Annan	Night filler required to lift a box of pasta, bend to put on lower shelf and injured knee in doing so	Knee	WPI
109 Coles Supermarket, Wagga	Filler injured knee when required required to kneel to stock bottom shelf at work and having difficulty fitting ticket into channel near floor level	Knee	Denial of Liability s74 Notice s4,9A
110 Coles Supermarket, Wagga	Shop Assistant injured knee when sitting cross legged on floor to change cigarette machine	Knee	Denial of Liability s74 Notice s4,9A, 11A, 33,60
111 Coles Supermarket, Warriewood	Shop assistant required to kneel for four hours to undergo stocktaking duties injured knee	Knee	Denial of Liability s74 Notice s4,9, 15,16,33,59,60

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
112 Kmart, Castle Hill	Sales Assistant Fell on Coathanger on floor injuring knee	Knee	WPI 2015 Lump Sum Reg
113 Liquorland, Sylvania	Shop Assistant injured left knee when he was opening the shop for the day and roller door hit pallet of wine and he tried to stop wine breaking and slipped	Knee	WPI 2015 Lump Sum Reg
114 Target, Tamworth	Shop Assistant injured left knee when she fell down stairs at work	Knee	Denial of Liability s74 Notice s59A
115 Coles Supermarket, Narellen	Filler operating and pumping a pallet jack which had a heavy crate of milk on the pallet and required him to exert considerable force injuring his back and plantar fascitis due to nature and conditions of employment	Lower leg	Denial of Liability Weekly Payments s 74 Notice s9, 15, 16, 33, 60
116 Coles Distribution Centre Smeaton Grange	Forklift operator injured left foot and ankle in collision with stationary forklift. He was at fault.	Ankle	WPI
117 Coles Supermarket, Manlyvale	Deil Team member injured right ankle when slipped on chicken fat on floor	Ankle	Denial of Liability s 74 Notice s4, 9, 33, 36, 37, 38, 59, 60
118 Coles Supermarket, Penrith	Meat Manager injured left ankle when using manual pallet jack to move heavy pallet which required him to push forward with force in a confined space	Ankle	Denial of Liability S 74 Notice s4, 9, 15, 16, 33, 36, 37, 38, 359, 60
119 Target, Liverpool	Customer service operator left foot was caught between mat and tiling on shop floor injured left ankle	Ankle	Denial of Liability s 74 Notice s4, 9, 9A, 15, 16, 33, 59, 60
120 Coles Distribution Centre Smeaton Range	Storeman (picker/packer) injured left foot due to nature and conditions of employment which involved prolonged standing	Foot and toes	Denial of Liability S.74 Notice s4, 9A, 33, 36, 37, 59, 60
121 Coles Supermarket, Kirrcumber	Night Packer unloading goods from a pallet when she got her foot caught in plastic wrapping - listranc injury to left foot	Foot and toes	WPI
122 Target, Bondi Junction	Customer Service Representative injured foot due to nature and conditions as a result of standing on his feet on a full time basis as a door greeter	Foot and toes	Denial of Liability s 74 Notice s4, 33, 60 WPI

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
123	Target, Parramatta Retail Assistant injured left foot (synovitis) as a result of nature and conditions of employment which required prolonged standing	Foot and toes	Denial of Liability s74 Notice s9A,33, 16, 15,59,36,37,38
124	Kmart, Merrylands Customer service operator's dress caught in conveyor belt as she was lowering boxes and her legs were caught in blet where she sustained disfigurement and disfunction in left and right leg	Lower limb - multiple locations	WPI
125	Target, Bankstown Customer Service Assistant who had a prothesis on right foot/ankle (not work related). He was moving timber product from pallets to cages and in doing so prothesis cracked.	Lower limb - multiple locations	Denial of Liability Weekly Payments s 74 Notice s4,9A,59,60
126	Coles Supermarket, Liverpool Cold service cleaner carrying rubbish to dumpster when he slipped on step injuring neck and head.	Multiple -Head and other	WPI
127	Bi Lo, Tanilba Bay Butcher injured back when carrying 25 kilogram box of meat when he slipped on blood on floor	Multiple -Trunk and limbs	WPI
128	Coles Express Petrol Station Sales Assistant required to lift 3 full crates of milk above shoulder height sustaining injury to back	Multiple -Trunk and limbs	WPI
129	Coles Supermarket, Manylands Shop assistant working in delicatessen when she slipped on wet floor outside the deli and injured her left hand,knee and back	Multiple -Trunk and limbs	WPI
130	Coles Supermarket, Ulladulla Shop Assistant injured left arm when removing tray of bread rolls from stack about head height	Multiple -Trunk and limbs	Denial of Liability Weekly Payments s74 Notice s4,9A,33, 60
131	Kmart, Sylvania Customer Service Officer struck in face by a surfboard held by a customer causing her to fall backwards sustaining back and facial injuries	Multiple -Trunk and limbs	Denial of Liability Medical treatment s74 Notice s4,9,15,16,33,59,60
132	Officeworks Warehouse, North Rocks Storeman injured knees when he tripped over a stool when carrying box in warehouse and then had a further injury when he misjudged step on step ladder	Multiple -Trunk and limbs	WPI
133	Bi Lo, Kilarney Vale 2006- nature and conditions injury to neck, left knee and left shoulder from repeated lifting and packing boxes, frank injury to left knee when sliding on icy floor when working in freezer	Multiple -Neck and shoulder	WPI

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
134 Coles Distribution Centre Goulburn	Distribution Operator fell during lunch break when walking down path injuring her left knee, neck and right shoulder	Multiple -Neck and shoulder	Denial of Liability Weekly Payments s74 Notice s4, 9A, 33,36,37,59,60
135 Coles Supermarket, Inverell	Butcher injured right shoulder and neck when lifting 20 kilogram boxes off meat from shelf 8 feet off the ground	Multiple -Neck and shoulder	WPI
136 Coles Supermarket, Ulladulla	Baker injured nature and conditions of employment involving heavy repetitive work and on 26 August 2013 slipped on wet floor and struck elbow on bench	Multiple -Neck and shoulder	Denial of Liability s74 Notices4,9A, 15, 16,60
137 Coles Warehouse, Richmond	Coles Home Delivery Driver involved in MVA injured Right shoulder	Multiple -Neck and shoulder	WPI
138 Target, Goulburn	Sales and Services Support Manager injured neck and right shoulder when moving shelves and trying to support heavy frame	Multiple -Neck and shoulder	Denial of Liability Medical treatment s74 Notice s60
139 Coles Supermarket, Vincentia	Shop Assistant developed bilateral hernia due to nature and conditions of employment involving heavy repetitive lifting weighing up to 15 kilograms and pushing flat top trolleys	Digestive system	Denial of Liability Weekly Payments s74 Notice s4,9,33, 60
140 Bi Lo, Kurri Kurri	Butcher who was stabbed on the way to work	Psychological system	WPI
141 Coles Supermarket, Cooma	Customer Service employee sustained psychological injury due to bullying and harassment from Manager	Psychological system	Denial of Liability Weekly Payments s74 Notice s11A
142 Coles Supermarket, Epping	Shop Assistant sustained psychological injury due to bullying and harassment	Psychological system	Denial of Liability s74 Notice s4,9A, 11A,33,60
143 Coles Supermarket, Harrington Park	Dei Manager sustained psychological injury due to bullying and harassment from Store Manager,	Psychological system	Denial of Liability s 74 Notice s4,9A, 11A, 33,60
144 Coles Supermarket, Kempsey	Customer Service Assistant sustained psychological injury bullied and harassed at work	Psychological system	Denial of Liability s74 Notice s4,9,9A, 11A
145 Coles Supermarket, Nowra	Produce Manager sustained psychological injury was bullied, harassed and belittled	Psychological system	Denial of Liability s74 Notice s4, .60

ANNEXURE "C"
COLES GROUP 2015/16
INCIDENT DESCRIPTION

Site	Description	Body Part	Dispute Reason
146	Coles Supermarket, Catley	Bakery Manager bullied by work colleague. Store manager aware of problems but did nothing	Psychological system
147	Coles Supermarket, Port Macquarie	Manager at Coles sustained psychological injury due to increasing workload, criticism and lack of support by managers	Psychological system
148	Coles Supermarket, Rhodes	Team Member sustained psychological injury due to bullying and harassment by Manager	Psychological system
149	Coles Supermarket, Warrawong	Team Member sustained psychological injury due to problems with Manager	Psychological system
150	Coles Supermarket, Waterloo & Coles	Shop Assistant sustained psychological injury due to bullying by supervisors	Psychological system
151	Supermarket, Broadway Coles Supermarkets, Sylvania	Meat Manager sustained psychological injury following bullying from Store Manager	Psychological system
152	Officeworks, Business Direct, North Rocks	Call Centre Operator developed panic disorder due to overwork following systems change	Psychological system
153	Target, Chatswood	Shop Assistant sustained secondary psychological injury following injury to back when bending	Psychological system
154	Target, Cowra	Customer Service representative sustained psychological injury after bullied by Line Manager	Psychological system
155	Target, Foster	Shop Assistant sustained psychological injury due to excessive workload, and lack of staff	Psychological system
156	Vintage Cellars, Chatswood Chase	Shop Assistant sustained psychological injury due to bullying by manager	Psychological system

Denial of Liability s 74 Notice s 11A

WPI

Denial of Liability s 74 Notice s33, 11A,36,37 ,38,59,60

Denial of Liability Weekly Payments s74 Notice s4,9,11A

WPI

Denial of Liability s 74 Notice s9,9A, 11A,36,37,38,59,60

Denial of Liability s74 Notice s4, 11A

Denial of Liability s 74 Notice

Denial of Liability Weekly Payments S74 Notice s4,9,11A,

Denial of Liability s74 Notice s4,9A, 11A, 15,16,33,60

Denial of Liability s 74 Notice s4,9A,60

ANNEXURE "D"
COLES GROUP 2015/16
FINALISED CASES

Injury Date	Site	Basis of Dispute	Outcome
1 19/04/2014	Coles Supermarket, Orange	WPI	Grant closed - instructions withdrawn
2 14/07/2015	Coles Distribution Centre Eastern Creek	Denial of Liability s74 Notice s4,9,15,16,33,36,37,38,59,60	Grant closed - instructions withdrawn
3 21/08/2012	Coles Distribution Centre Smeaton Grange	WPI	Grant closed - instructions withdrawn
4 14/11/2015	Coles Supermarket	WPI	Grant closed - instructions withdrawn
5 1/06/2015 & 16/01/2014	Coles Supermarket, Liverpool	Denial of Liability s74 Notice s4,9,9A,15,16	Grant closed - instructions withdrawn
6 20/09/2011	Officeworks, Business Direct, North Rocks	Denial of Liability s74 Notice s4,9A,11A,15,16,33,60	Grant closed - instructions withdrawn
7 13/04/2011	Coles Supermarket, Mt Annan	WPI	Grant closed - instructions withdrawn
8 1/04/2016	Coles Supermarket, Kempsey	Denial of Liability s74 Notice s4,9,9A,11A	Grant closed - instructions withdrawn
9 4/08/2011	Target, Chatswood	Denial of Liability s 74 Notice s4,9A,60	Grant closed - no medical support
10 26/04/2014	Coles Supermarket, Bowral	Denial of Liability s74 Notice s9A,33,36,37,38,60	Grant closed - no medical support
11 23/06/2014	Coles Supermarket, Bondi Junction	Denial of Liability s74 Notice s4,9A,15,16,33,36,37,38,59,60	Grant closed - no medical support
12 16/05/2014	Coles Supermarket, Bathurst	Denial of Liability s 74 Notice G20s9,33,36,37,38,59,60	Grant closed - not each threshold
13 10/06/2014	Coles Supermarket, Nowra	WPI	Grant closed - not each threshold
14 8/12/2004	Kmart, Merrylands	WPI	Grant closed - not each threshold
15 20/03/2014	Coles Supermarket, Shellharbour	WPI	Grant closed - not each threshold
16 17/02/2015	Coles Supermarket, Inverell	WPI	Grant closed - not each threshold
17 23/12/2012	Coles Express Petrol Station Batehaven	Denial of Liability Weekly Payments s74 Notice s33,59,60	Grant closed - not each threshold
18 12/07/2012	Coles Supermarket, Tamworth	WPI	Grant closed - not each threshold
19 22/06/2012	Coles Distribution Centre Smeaton Range	WPI	Grant closed - not each threshold
20 18/11/2004	Liquorland, Coffs Harbour	WPI - liability accepted less than 11%	Grant closed - not each threshold
21 17/08/2011	Coles Distribution Centre Eastern Creek	WPI	Grant closed - not each threshold
22 19/07/2013	Coles Supermarket, Kincumber	WPI	Grant closed - not each threshold

ANNEXURE "D"
COLES GROUP 2015/16
FINALISED CASES

Injury Date	Site	Basis of Dispute	Outcome
23 15/04/2009	Target, Chatswood	Denial of Liability s 74 Notice s4,59,60	Grant closed - not each threshold
24 9/08/2014	Coles Express Petrol Station	WPI	Grant closed - not reach threshold
25 30/12/2004	Bi Lo	WPI	Grant declined
26 18/07/2015	Coles Supermarket, Wagga	Denial of Liability s74 Notice s4,9A, 11A, 33,60	Grant declined
27 17/08/2014	Liquorland, Toukey	Denial of Liability WIM s74 Notice s4,9A,33,60	Grant declined
28 21/12/2014	Target, Bondi Junction	Denial of Liability s 74 Notice s4,33,60 WPI	Grant declined
29 6/05/2013	Coles Supermarket, Sylvania	Denial of Liability Weekly Payments	Grant declined
30 28/02/2015	Coles Supermarket, Liverpool	WPI	Grant declined
31 20/03/2014	Coles Warehouse, Richmond	WPI	Grant declined - motor accident claim
32 21/12/2010	Liquorland, Sylvania	WPI 2015 Lump Sum Reg	Grant declined - prior 2014 claim
33 10/09/2013	Coles Supermarket, Laurieton	Denial of Liability Medical treatment	Grant declined - resolved by WIRO Solutions Group
34 1/04/2009	Coles Express Petrol Station	WPI	Grant declined - threshold dispute only
35 15/10/2015	Coles Supermarket, Randwick	Denial of Liability s 74 Notice s4,9,9A,59,60	Grant declined - under \$3k
36 18/11/2015	Coles Supermarket, Batemans Bay	WPI	Grant declined - unlikely to reach threshold
37 2/02/2015	Coles Supermarket , Murwillumbah	Denial of Liability s 74 Notice s60	Resolved - WCC - Arbitration
38 18/11/2011	Coles Supermarket , Greenhill Centre	Denial of Liability s 74 Notice s59,60	Resolved - WCC - Arbitration
39 18/03/2015	Coles Supermarket, Harrington Park	Denial of Liability s 74 Notice s4,9A, 11A, 33,60	Resolved - WCC - Arbitration
40 21/02/2015	Coles Distribution Centre Smeaton Range	Denial of Liability s 74 Notice s4,9,9A,15, 16,33,59,60	Resolved - WCC - Arbitration
41 18/05/2015	Coles Distribution Centre Eastern Creek	Denial of Liability s74 Notice s4,9A, s33, 59, 60	Resolved - WCC - Arbitration
42 9/07/2015	Coles Supermarket, Manlyvale	Denial of Liability s 74 Notice s4,9,33,36,37,38,59,60	Resolved - WCC - Arbitration
43 28/01/2016	Coles Supermarket, Orange	Denial of Liability s 74 Notice s4,9,9A,33,36,37,38,59,60	Resolved - WCC - Arbitration
44 9/07/2015	Coles Supermarket, Rhodes	Denial of Liability s 74 Notice s9,9A, 11A,36,37,38,59,60	Resolved - WCC - Conciliation
45 8/08/2013	Target, Goulburn	Denial of Liability Medical treatment s74 Notice s60	Resolved - WCC - Conciliation

ANNEXURE "D"
COLES GROUP 2015/16
FINALISED CASES

Injury Date	Site	Basis of Dispute	Outcome
46	28/09/2015 Target, Bankstown	Denial of Liability Weekly Payments s 74 Notice s4,9A,59,60	Resolved - WCC - Conciliation
47	25/08/2011 Coles Supermarket, Belmont	Denial of Liability s 74 Notice s33,59,60	Resolved - WCC - Conciliation
48	15/11/2014 Coles Supermarket, Eastern Creek	Denial of Liability s 74 Notice s4,9,9S,15,16,33,59,60	Resolved - WCC - Conciliation
49	5/08/2011 Coles Supermarket, Waterloo & Broadway	Denial of Liability s 74 Notice	Resolved - WCC - Conciliation
50	20/09/2011 Coles Supermarket, Swansea	Denial of Liability s 74 Notice s4,9A,33,36,37,38,59,60	Resolved - WCC - Conciliation
51	1/06/2015 Coles Supermarket, Tormina	Denial of Liability S74 Notice s9A,33,34,35,36,37,38,59,60	Resolved - WCC - Conciliation
52	9/08/2014 Coles Express Petrol Station	Denial of Liability s 74 Notice s33,34,36,37,38,59,60	Resolved - WCC - Conciliation
53	24/09/2014 Liquorland, Karing	Denial of Liability s 74 Notice s33,59,60	Resolved - WCC - Conciliation
54	1/04/2015 Coles Supermarket, Laurieion	Denial of Liability s74 Notice s33,34,36,37,38,59,60	Resolved - WCC - Conciliation
55	22/02/2008 Target, Tamworth	Denial of Liability s74 Notice s59A	Resolved - WCC - Conciliation
56	28/01/2015 Coles Supermarket, Orange	Denial of Liability s74 Notice s33,36,37,38,59,60	Resolved - WCC - Conciliation
57	21/11/2014 Vintage Cellars, Chatswood Chase	Denial of Liability s 74 Notice s33,11A,36,37,38,59,60	Resolved - WCC - Conciliation
58	29/01/2014 Coles Supermarket, Belmont	Denial of Liability s 74 Notice s4,9,9A,33,59,60	Resolved - WCC - Conciliation
59	8/09/2014 Coles Supermarket, Port Macquarie	Denial of Liability s74 Notice s16, 33,36,37,38,60	Resolved - WCC - Conciliation
60	20/05/2015 Coles Supermarket, Birkenhead Point	Denial of Liability s74 Notice s33,36,37,38,59,60	Resolved - WCC - Conciliation
61	2/11/2015 Target, Cowra	Denial of Liability s 74 Notice s 11A	Resolved - WCC - Teleconference
62	1/09/2015 Coles Supermarket, Warrawong	Denial of Liability s74 Notice s4, 11A	Resolved - WCC - Teleconference
63	30/05/2015 Coles Supermarket, Gladsville	Denial of Liability s74 Notice s9,9A,33,36,37,38,59,60	Resolved - WCC - Teleconference
64	12/03/2015 Coles Supermarket, Penrith	Denial of Liability S 74 Notice s4,9,15,16,33,36,37,38,359,60	Resolved - WCC - Teleconference
65	22/09/2015 Coles Supermarket, Salamander	Denial of Liability s 74 Notice s9A,33,36,37,38,59,60	Resolved - WCC - Teleconference

ANNEXURE "D"
COLES GROUP 2015/16
FINALISED CASES

Injury Date	Site	Basis of Dispute	Outcome
66 13/01/2015	Target, Erina Fair	Denial of Liability s 74 Notice s 4,9,9A,33,59,60	Resolved - WCC - Teleconference
67 9/01/2015	Coles Supermarket, Lake Haven	Denial of Liability s 74 Notice s33,59,60	Resolved - WCC - WIM dispute
68 14/07/2015	Coles Supermarket, Goonellabah	Denial of Liability s 74 Notice s4,9,9A,15,16,33,59,60	Resolved at WCC by Arbitrator in favour of worker
69 14/09/2010	Coles Supermarket, Kings Langley	Denial of Liability Medical treatment s 74 Notice s60	Resolved prior to WCC - Claim accepted
70 18/07/2009	Bi Lo, Kurri Kurri	WPI	Resolved prior to WCC - Claim accepted
71 1/10/2014	Coles Supermarkets, Bonnell Bay	Denial of Liability s 74 Notice s4,9,9A,59,60,33	Resolved prior to WCC - Claim accepted
72 7/02/2014	Coles Distribution Centre Smeaton Range	Denial of Liability s 74 Notice s9A,60	Resolved prior to WCC - Claim accepted
73 23/05/2012	Target, Campbelltown	WPI	Resolved prior to WCC - Complying Agreement
74 3/03/2010	Coles Supermarket, Windsor	WPI	Resolved prior to WCC - Complying Agreement
75 26/05/2010	Kmart, Merrylands	WPI	Resolved prior to WCC - Complying Agreement
76 1/02/2014	Coles Supermarket, Vincentia	Denial of Liability s74 Notice s4,9,9A,59,60	Resolved prior to WCC - Complying Agreement
77 20/10/2009	Coles Supermarket,	WPI	Resolved prior to WCC - Complying Agreement
78 10/11/2013	Bi Lo, Tenterfield	WPI	Resolved prior to WCC - Complying Agreement

ANNEXURE "E"
COLES GROUP 2015/16
CURRENT GRANTS

	Injury Date	Site	Basis of Dispute	Current Status
1	30/03/2007	Coles Supermarket, Stanhope Garden	W/P	Current Grant - preliminary investigation
2	26/01/2007	Target	Commutation	Current Grant - preliminary investigation
3	9/10/2014	Coles Supermarket, Nowra	Denial of Liability Medical treatment s74 Notice s 4,9A,15,16,59,60	Current Grant - preliminary investigation
4	8/06/2016	Kmart, Sylvania	Denial of Liability Medical treatment s74 Notice s4,9,15,16,33,59,60	Current Grant - preliminary investigation
5	1/02/2013	Coles Supermarket, Nowra	Denial of Liability Medical treatment s74 Notice s60	Current Grant - preliminary investigation
6	7/05/2015	Coles Supermarket, Fairfield	Denial of Liability s 74 Notice s 4,9,9A,15,16,33	Current Grant - preliminary investigation
7	17/11/2006	Coles Supermarket, North Richmond	Denial of Liability s 74 Notice s4,9,33,60	Current Grant - preliminary investigation
8	25/11/2013	Coles Supermarket, North Richmond	Denial of Liability s 74 Notice s4,9,33,60	Current Grant - preliminary investigation
9	18/04/2015	Coles Supermarket, Tweedheads	Denial of Liability s 74 Notice s4,9,9A,60	Current Grant - preliminary investigation
10	5/04/2012	Coles Supermarket, Liverpool	Denial of Liability s 74 Notice s4,9,9A,33	Current Grant - preliminary investigation
11	19/02/2015	Coles Supermarket, Rose Bay	Denial of Liability s 74 Notice s4,9,9A,33,36,37,38,59,60	Current Grant - preliminary investigation
12	20/04/2004	Officeworks, Punchbowl	Denial of Liability s4, 9A	Current Grant - preliminary investigation
13	16/12/2006	Coles Supermarket , Port Macquarie	Denial of Liability s74 Notice s9A,33,34,36,37,38,59,60	Current Grant - preliminary investigation
14	31/12/2014	Coles Supermarket, Brighton Le Sands	Denial of Liability s74 Notice [no s74 notice on file]	Current Grant - preliminary investigation
15	6/11/2014	Coles Supermarket, Picton	Denial of Liability s74 Notice s15,16,33,60	Current Grant - preliminary investigation
16	24/07/2014	Coles Supermarket, Nowra	Denial of Liability s74 Notice s4, 60	Current Grant - preliminary investigation
17	26/06/2012	Coles Supermarket, Catley	Denial of Liability s74 Notice s4,9,15,16, 33	Current Grant - preliminary investigation
18	22/06/2015	Coles Supermarket, Warriewood	Denial of Liability s74 Notice s4,9,15,16,33,59,60	Current Grant - preliminary investigation
19	25/06/2015	Coles Supermarket, Wagga	Denial of Liability s74 Notice s4,9A	Current Grant - preliminary investigation
20	27/11/2015	Coles Distribution Centre Smeaton Range	Denial of Liability s74 Notice s4,9A,15,16,33,36,37,38,59,60	Current Grant - preliminary investigation
21	14/06/2002	Target, Miranda Fair	Denial of Liability s74 Notice s4,9A,33,59	Current Grant - preliminary investigation
22	20/03/2014	Liquorland, Toukey	Denial of Liability s74 Notice s9A,33,59,60	Current Grant - preliminary investigation
23	26/05/2016	Coles Supermarket, Moree	Denial of Liability Weekly Payments s 74 Notice s33,34,36,37,38,59,60	Current Grant - preliminary investigation
24	18/11/2015	Coles Supermarket, Catley	Denial of Liability Weekly Payments s74 Notice s4,9,11A	Current Grant - preliminary investigation

ANNEXURE "E"
COLES GROUP 2015/16
CURRENT GRANTS

Injury Date	Site	Basis of Dispute	Current Status
25	26/02/2016 Coles Distribution Centre Eastern Creek	Denial of Liability Weekly Payments s74 Notice s4,9,15,16,59,60,33	Current Grant - preliminary investigation
26	22/07/2008 Coles Distribution Centre Goulburn	Denial of Liability Weekly Payments s74 Notice s4,9A,33,36,37,59,60	Current Grant - preliminary investigation
27	6/07/2015 Coles Distribution Centre Smeaton Range	WPI	Current Grant - preliminary investigation
28	6/03/2012 Coles Supermarket, Wingham	WPI	Current Grant - preliminary investigation
29	8/03/2012 Kmart, Fairfield	WPI	Current Grant - preliminary investigation
30	7/08/2011 Coles Supermarket	WPI	Current Grant - preliminary investigation
31	30/09/2011 Kmart, Hornsby	WPI	Current Grant - preliminary investigation
32	18/11/2015 Coles Supermarket, Port Macquarie	WPI	Current Grant - preliminary investigation
33	18/10/2011 Coles Supermarket, Wagga	WPI	Current Grant - preliminary investigation
34	3/07/2013 Bi Lo, Thornton	WPI	Current Grant - preliminary investigation
35	2/08/2011 Liquorland, Tanilba Bay	WPI	Current Grant - preliminary investigation
36	14/11/2015 Coles Distribution Centre Smeaton Range	WPI	Current Grant - preliminary investigation
37	10/05/2015 Coles Supermarket, Batteau Bay	WPI	Current Grant - preliminary investigation
38	21/05/2014 Target, Goulburn	WPI	Current Grant - preliminary investigation
39	Multiple 2006, 2010, 2011 Bi Lo, Kilamey Vale	WPI	Current Grant - preliminary investigation
40	15/04/2011 Target, Bathurst	WPI	Current Grant - preliminary investigation
41	11/09/2002 Bi Lo, Tanilba Bay	WPI 2015 Lump Sum Reg	Current Grant - preliminary investigation
42	5/06/2015 Coles Distribution Centre Goulburn	Denial of Liability Medical treatment s74 Notice s4, 9, 33	Current Grant - WCC
43	19/06/2015 Coles Supermarket, Grafton	Denial of Liability s 74 Notice s4,9A,33,15,16,36,37,38,59,60	Current Grant - WCC
44	20/06/2015 Coles Distribution Centre Smeaton Range	Denial of Liability s 74 Notice 4,9,9A,33,59,60	Current Grant - WCC
45	6/06/2015 Coles Distribution Centre Eastern Creek	Denial of Liability s 74 Notice s4,9	Current Grant - WCC
41	13/04/2015 Coles Distribution Centre Smeaton Range	Denial of Liability s 74 Notice s4,9,9A,15,16,33,59,60	Current Grant - WCC

ANNEXURE "E"
COLES GROUP 2015/16
CURRENT GRANTS

Injury Date	Site	Basis of Dispute	Current Status	
46	13/04/2015	Coles Distribution Centre Smeaton Range	Denial of Liability s 74 Notice s4,9,9A, 15,16,33,59,60	Current Grant - WCC
47	1/09/2013	Target, Liverpool	Denial of Liability s 74 Notice s4,9,9A, 15,16,33,59,60	Current Grant - WCC
48	3/02/2015	Coles Supermarket, Mudgee	Denial of Liability s 74 Notice s4,9,9A,33,59,60+G105	Current Grant - WCC
49	18/07/2015	Coles Distribution Centre Eastern Creek	Denial of Liability s 74 Notice s4,9,9A,33,60	Current Grant - WCC
50	19/05/2015	Coles Supermarkets, Erina	Denial of Liability s 74 Notice s4,9A, 15,16,59,60,33	Current Grant - WCC
51	12/12/2012	Coles Distribution Centre Smeaton Range	Denial of Liability S.74 Notice s4,9A,33,36,37,59,60	Current Grant - WCC
52	1/07/2013	Coles Supermarket, Epping	Denial of Liability s74 Notice s4,9A, 11A,33,60	Current Grant - WCC
53	14/04/2014	Coles Supermarket, Shellharbour	Denial of Liability s74 Notice s4,9A, 15,16,33	Current Grant - WCC
54	30/06/2015	Coles Express Petrol Station Lane Cove	Denial of Liability s74 Notice s9A, 16,33,36,37,38,59,60	Current Grant - WCC
55	24/05/2015	Coles Supermarket, Broadway	Denial of Liability s74 Notice s33,36,37,38,59,60	Current Grant - WCC
56	6/04/2014	Coles Supermarket, Swansea	Denial of Liability s74 Notice s4,9,9A,33,59,60	Current Grant - WCC
57	3/09/2015	Coles Supermarket, Taree	Denial of Liability s74 Notice s4,9A,33,36,37,38,59,60	Current Grant - WCC
58	1/04/2015	Target, Parramatta	Denial of Liability s74 Notice s9A,33,16,15,59,36,37,38	Current Grant - WCC
59	26/08/2016	Coles Supermarket, Ulladulla	Denial of Liability s74 Notices4,9A, 15,16,60	Current Grant - WCC
60	17/11/2015	Coles Supermarket, Cooma	Denial of Liability Weekly Payments s74 Notice s11A	Current Grant - WCC
61	12/07/2012	Coles Supermarket, Tamworth	Denial of Liability Weekly Payments s 74 Notice s4,33,36,37,59 and 60	Current Grant - WCC
62	16/07/2011	Coles Supermarket, Narellen	Denial of Liability Weekly Payments s 74 Notice s9,15,16,33,60	Current Grant - WCC
63	9/04/2012	Coles Supermarket, Hurstville	Denial of Liability Weekly Payments s74 Notice s15, 16, 33, 59A	Current Grant - WCC
64	1/03/2016	Coles Supermarkets, Sylvania	Denial of Liability Weekly Payments S74 Notice s4,9, 11A,	Current Grant - WCC
65	1/06/2013	Coles Supermarket, Vincentia	Denial of Liability Weekly Payments s74 Notice s4,9,33, 60	Current Grant - WCC
66	1/10/2013	Coles Supermarket, Ulladulla	Denial of Liability Weekly Payments s74 Notice s4,9A,33, 60	Current Grant - WCC
67	18/07/2009	Coles Supermarket, Dapto	WPI	Current Grant - WCC
68	13/06/2013	Coles Supermarket, Rouse Hill	WPI	Current Grant - WCC
69	3/05/2007	Coles Supermarket, Marylands	WPI	Current Grant - WCC

ANNEXURE "E"
COLES GROUP 2015/16
CURRENT GRANTS

	Injury Date	Site	Basis of Dispute	Current Status
70	2/10/2007	Officeworks Warehouse, North Rocks	W/P	Current Grant - W/CC
71	11/04/2009	Officeworks, Fairy Meadow	W/P	Current Grant - W/CC
72	29/03/2012	Coles Supermarket, Windsor	W/P	Current Grant - W/CC
73	13/11/2014	Target, Foster	W/P	Current Grant - W/CC
74	8/09/2005	Coles Supermarket	W/P	Current Grant - W/CC
75	29/10/2013	Coles Distribution Centre Somersby	W/P	Current Grant - W/CC
76	18/07/2007	Kmart, Maitland	W/P	Current Grant - W/CC
77	21/05/2002	Coles Distribution Centre Smeaton Range	W/P	Current Grant - W/CC
78	14/02/2009	Kmart, Castle Hill	W/P	Current Grant - W/CC



Workers Compensation Independent Review Office
Level 4, 1 Oxford Street, Darlinghurst NSW 2010
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The Honourable Shayne Mallard MLC,
Chair,
Standing Committee on Law & Justice,
Parliament House,
SYDNEY NSW 2000

Dear Mr Mallard,

First Review of the workers' compensation scheme – Answer to question on notice

I enclose my response to the question on notice from the Honourable Mr Clarke.

Yours faithfully,

KA Garling
Workers Compensation Independent Review Officer

2 December 2016

E:

T:



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RESPONSE BY THE WORKERS COMPENSATION INDEPENDENT REVIEW OFFICER TO THE QUESTION ON NOTICE FROM THE HON DAVID CLARKE

The Hon. DAVID CLARKE: Is there a list where you have not got a good outcome?

The Hon. DAVID CLARKE: And give us a list of those matters that you have sought to sort out as you proceed and have come up against a brick wall. Would you like to forward to us a list of those cases?

Barrier One:

Provision of information by insurers

An insurer is required when declining liability for a claim by an injured worker to provide a Notice which gives the worker information about the reasons for the claim being declined.

This is a fundamental requirement which should enable a worker (and her or his advisers) to understand why the claim has not been accepted.

Section 74 of the *Workplace Injury Management and Workers Compensation Act 1998* provides:

74 Insurers to give notice and reasons when liability disputed

(1) If an insurer disputes liability in respect of a claim or any aspect of a claim, the insurer must give notice of the dispute to the claimant.

(2) The notice must contain the following:

(a) a concise and readily understandable statement of the reason the insurer disputes liability and of the issues relevant to the decision (indicating, in the case of a claim for compensation, any provision of the workers compensation legislation on which the insurer relies to dispute liability),

(b) such other information as the regulations may prescribe.

(3) The regulations may make provision for the form of and for other information to be included in or to accompany a notice under this section. The regulations may require an insurer to give a copy of a notice under this section to the claimant's employer.

(4) The regulations may create offences in connection with any failure to comply with this section.

Note. A dispute as to liability to commence weekly payments within the requisite period after a claim for compensation is made must be notified in accordance with this section (see section 93 and the offence arising under section 94).

(5) Notice is not required to be given under this section with respect to a dispute if notice has been given under section 54 of the 1987 Act with respect to the dispute and that notice contained the statements and information that a notice under this section is required to contain.

(6) This section does not apply to a dispute based on a work capacity decision of an insurer under Division 2 of Part 3 of the 1987 Act.

Clause 41 of the *Workers Compensation Regulation 2016* is in the following terms:

41 Access to certain medical reports and other reports obtained by insurer

(1) This clause applies to the following types of reports that an employer or insurer has in the employer's or insurer's possession:

(a) medical reports, including medical reports provided pursuant to section 119 (Medical examination of workers at direction of employer) of the 1998 Act,

(b) certificates of capacity,

(c) clinical notes,

(d) investigators' reports,

(e) workplace rehabilitation providers' reports,

(f) health service providers' reports,

(g) reports obtained by or provided to an employer or insurer that contain information relevant to the claim on which a decision to dispute liability is made.

(2) This clause applies to the following decisions of an employer or insurer relating to an injured worker:

(a) a decision to dispute liability in respect of a claim, or any aspect of a claim (in circumstances requiring the insurer to give the worker a notice and reasons under section 74 of the 1998 Act),

(b) a decision to discontinue payment, or to reduce the amount of weekly benefits (in circumstances requiring the insurer to give the worker a notice of intention under section 54 of the 1987 Act),

(c) a decision on the review under section 287A of the 1998 Act of a decision described in paragraph (a) or (b) that confirms the original decision.

(3) For the purposes of sections 73 (1) and 126 (2) of the 1998 Act, if an employer or insurer makes a decision to which this clause applies, the employer or insurer must provide a copy of any relevant report to which this clause applies to the worker, as an attachment to a notice under section 74 of the 1998 Act, section 54 of the 1987 Act or section 287A of the 1998 Act, as the case may be, except where the report has already been supplied to the worker and that report is identified in a statement under clause 38 (1) (d).

(4) The obligation in this clause to provide a copy of a report applies to any report that is relevant to the claim or any aspect of the claim to which the decision relates, whether or not the report supports the reasons for the decision.

Case Example:

A worker claimed to have suffered a psychiatric injury as a result of being bullied in the course of his employment. The Insurer declined the claim by s.74 Notice on 22 September 2016 which attached statements from 5 of the worker's work colleagues setting out their recollections.

In addition the report by the rehabilitation expert obtained by the Insurer was also attached.

The Insurer did not include the additional statements obtained by the internal investigator or the report which it had obtained from its own medical adviser.

The lawyer for the insurer when requested to provide this additional information (as required by s.74(d) and s.74(g)) responded as follows:

"You will be aware that s. 73 Workplace Injury Management and Workers Compensation Act 1998 only requires the insurer to provide copies of reports that the insurer is relying upon. It is clear from the s. 74 Notice that the insurer is not relying upon the IME report of Dr K and accordingly there is no obligation to provide a copy of that report to the worker or his representative."

Section 73 of the *Workplace Injury Management and Workers Compensation Act 1998* provides:

73 Insurer to provide copies of reports to worker

(1) The regulations may make provision for or with respect to requiring an insurer to provide a worker, a worker's legal representative or any other person with a copy of a specified report, or a report of a specified kind, obtained by the insurer in relation to a claim by the worker.

(2) Without limiting subsection (1), the kind of reports to which the regulations under this section can apply include investigators' reports, rehabilitation providers' reports and reports of assessments under section 40A (Assessment of incapacitated worker's ability to earn) of the 1987 Act.

(3) If an insurer fails to provide a copy of a report as required by the regulations under this section:

(a) the insurer cannot use the report to dispute liability to pay or continue to pay compensation or to reduce the amount of compensation to be paid and cannot use

the report for any other purpose prescribed by the regulations for the purposes of this section, and

(b) the report is not admissible in proceedings on such a dispute before the Commission, and

(c) the report may not be disclosed to an approved medical specialist or an Appeal Panel in connection with the assessment of a medical dispute under Part 7 of Chapter 7.

The barrier immediately identified is the potential clash between sections 73 & 74. Section 73 is clearly framed in relation to the forensic use of any such report. It is different to the requirement in section 74.

The relevant provision in s.74 is:

"The obligation in this clause to provide a copy of a report applies to any report that is relevant to the claim or any aspect of the claim to which the decision relates, whether or not the report supports the reasons for the decision."

The statement which is quoted from the lawyer for the insurer is common in response to request by lawyers for workers.

It is incorrect but there is no real remedy.

Clearly a medical report about a worker from the medical adviser for the employer/insurer is "relevant" to the claim even though it may not be relied upon by the Insurer.

Further examples:

1. WIRO was contacted by the workers lawyer in November 2016. The Worker had a psychological injury and had attended a medical examination at the Scheme Agent's request and participated in a factual investigation. The workers solicitor had requested a copy of these documents. The Scheme Agent refused to provide them despite being clearly "relevant". The agent advised they had referred the request to icare and that the insurer did not consider there was any legal obligation to provide the documents as the claim was not in dispute.
2. The worker was due to see an IME in November 2016. The Worker contacted WIRO as they had seen a previous IME in 2015 and wanted the insurer to forward the report and subsequent supplementary report from this previous appointment to the upcoming IME. The worker was concerned that the insurer would only send the original report which she claimed had an error in it. However, when she requested the supplementary report the insurer had declined to provide it. She had gone to

SIRA about this but they had advised her to come to WIRO. WIRO contacted the insurer who on this occasion replied stating they would forward the supplementary report to her as well as the IME doctor for the upcoming appointment.

3. WIRO were contacted by the Workers lawyer advising that although the Scheme Agent had issued a s74 notice declining liability for the workers claim, they had not provided the relevant medical and factual information. The Worker's lawyer had written to the Scheme Agent to obtain the documentation (being a supplementary medical report and the factual investigation material) but had not received a response. WIRO requested the relevant information. The Scheme Agent responded to WIRO advising that they had provided all the material they had intended to rely upon and further that as the supplementary medical report was not relied on by the insurer they would not provide a copy of this document.
4. The Workers lawyer contacted WIRO to complain that although the insurer issued a s74 notice that refers to witness statements however these statements had not been provided with the s74 notice. The agent advised the workers lawyer that the statement could not be provided as consent had not been given to release them. Upon contact from WIRO the agent agreed to the release of the documents.
5. WIRO received a call from the injured worker who had received a s74 notice declining surgery. The worker stated that they had seen the medical adviser at the request of the insurer however a copy of his report was not provided with the s74 notice. WIRO contacted the Scheme Agent who advised that the IME report was not relied upon in relation to decision to decline liability for the request for surgery. The insurer maintained their position to not provide the worker with a copy of the IME Report.

WIRO obtained a copy of the IME report from the Scheme Agent under circumstances that it was not to be disclosed to the worker.

The report was not unsupportive of the workers claim.

WIRO highlighted this position to the agent who maintained their decision to decline liability.

The workers lawyers also contacted SIRA who advised they were unable to assist with the matter.

6. The worker's lawyer contacted WIRO as there was dispute in relation to a claimed consequential injury. The Worker claimed that complaints about the consequential injuries were made to the Rehabilitation provider. The insurer list of payments clearly identified that the worker had been referred for rehabilitation and that reports had

been provided to the insurer however the insurer refused to provide such documentation.

7. The worker resolved a lump sum compensation claim. The claim was resolved based on the medical report of an IME which was obtained on behalf of the worker. At the time the claim was made the insurer arranged also arranged to have the worker's impairment assessed.

A complaint was made to WIRO as it had subsequently come to light that the insurers assessment (which was never provide to the worker) assessed the worker as having a greater degree of permanent impairment than his own IME.

That was refused.

Barrier Two

Cessation of weekly payments after 260 weeks

Section 39 of the Workers Compensation Act 1987 provides:

39 Cessation of weekly payments after 5 years

(1) Despite any other provision of this Division, a worker has no entitlement to weekly payments of compensation under this Division in respect of an injury after an aggregate period of 260 weeks (whether or not consecutive) in respect of which a weekly payment has been paid or is payable to the worker in respect of the injury.

(2) This section does not apply to an injured worker whose injury results in permanent impairment if the degree of permanent impairment resulting from the injury is more than 20%.

Note. For workers with more than 20% permanent impairment, entitlement to compensation may continue after 260 weeks but entitlement after 260 weeks is still subject to section 38.

(3) For the purposes of this section, the degree of permanent impairment that results from an injury is to be assessed as provided by section 65 (for an assessment for the purposes of Division 4).

As the calculation of the 260 weeks only commenced from 1 October 2012 (and for workers injured before that date from 1 January 2013) this will start to have an impact from late September 2017 but with more workers affected from Christmas Day 2017.

ICNSW (icare) embarked on a project to assist workers who faced the loss of weekly payments when the 260 weeks elapsed. The first roll out commenced in July 2016.

Attached is a copy of the generic letter sent by Scheme Agents to workers. Also attached is the brochure which was sent to workers. The WIRO announcement is also attached.

While the project was an excellent initiative, it was most unfortunate that it did not correctly reflect the provisions of the legislation. The manner in which the worker was informed of her or his options was grossly misleading as was the letter and brochure.

It now appears to be accepted that the provisions of s.39 require a worker whom wished to continue to receive weekly payments after the expiry of 260 weeks to be assessed by an AMS through the WCC and to have received a MAC to the effect that the degree of permanent impairment exceeded 20%.

It also now appears that for many workers in this position there is a real prospect that there permanent impairment may deteriorate between July 2016 and December 2017.

Given the provisions of s.322A of the 1998 Act which provides:

322A One assessment only of degree of permanent impairment

(1) Only one assessment may be made of the degree of permanent impairment of an injured worker.

The question for the worker is highly complex and should not even be considered without the benefit of independent advice.

The workers were not told that this assessment was by a doctor (chosen by the worker from from a panel of three) who the insurer had selected because of their propensity to provide a conservative outcome which often did not reflect the views of the approved medical specialists and was only one opinion and not in any way binding upon either the insurer or the worker.

The documentation purported to be provided to the worker by "Worker Assist" which is held out to be a part of ICNSW established to provide assistance to injured workers. An injured worker might believe that the information is correct.

WIRO has been informed that some 1,700 workers were processed through this program until it was suspended recently. Between July and October 2016 WIRO did not receive one application for funding to challenge the opinion of the doctors by whom this group had been assessed.

While WIRO has drawn attention to the difficulties faced by this group of workers and have put forward recommendations for legislative change and in the alternative a suggestion as to a temporary Regulation it remains a work in progress.

That provides no solace for workers facing this dilemma.

Barrier Three

The stay of work capacity decisions while a review is being undertaken.

Section 44BC of the *Workers Compensation Act 1987* provides for a stay:

44BC Stay of work capacity decisions

(1) A review of a work capacity decision in respect of a worker operates to stay the decision that is the subject of the review and prevents the taking of action by an insurer based on the decision while the decision is stayed.

(2) However, a review operates to stay the decision that is the subject of the review only if the application for review is made by the worker within 30 days after the day on which the worker is notified (or required under section 44BB to be notified) of:

(a) the work capacity decision to be reviewed (in the case of an application for internal review), or

(b) the decision on the internal review (in the case of an application for review by the Authority), or

(c) the findings of the merit review (in the case of an application for review by the Independent Review Officer).

(3) A stay operates from the time the application for review is made until the worker is notified of the findings of the review (or the application for review is withdrawn).

Note. After a stay is lifted, weekly payments of compensation must not be discontinued or reduced in accordance with the original decision (or any decision resulting from the review of that decision) until the required period of notice under section 54 has expired. See sections 44BD and 44BE for the effect of a review on that notice period.

(4) A stay of an original decision to discontinue, or reduce an amount of, compensation does not operate to extend the required period of notice with respect to the discontinuation or reduction.

Note. In some circumstances, a new period of notice will commence when a worker is notified of a discontinuation or reduction resulting from a review. See section 44BD.

This stay was introduced by the Minister for Innovation and Better Regulation following the commencement of the *Workers Compensation Amendment Act 2015*.

Minister Dominello stated:

"These changes form part of a billion dollar reform package announced in August which prioritises the wellbeing and needs of injured workers," Mr Dominello said.

"This is good news for the thousands of injured workers across NSW."

The benefits that will apply from Friday include the protection of weekly payments for the entire duration that a work capacity decision is under review.

Some injured workers who had disputed a work capacity decision had previously complained their payments were cut off before the review process had been completed."

This is not being honoured.

Example:

2016

21 June	Date of Work Capacity decision terminating weekly benefits.
26 July	Application for internal review (within 30 days of receipt of original decision)
1 September	Internal Review decision – uphold original termination.
29 September	Application for Merit Review
30 September	Expiry of original Notice period from original decision.
26 October	Merit Review Decision – uphold original decision.
16 November	Application for Procedural Review

However insurer stated that stay expired on 26 October.

This just one of many examples.

KA Garling
Workers Compensation Independent Review Officer
2 December 2016

Icare Model letter to injured workers about the impact of s.39 of the 1987 Act

Name

Address

Information regarding your claim

Thank you for your time on the phone on (insert date). This letter is a summary of what we talked about.

Since the 2012 changes to NSW workers compensation legislation, injured workers with a permanent impairment of 20% or less are entitled to weekly payments for up to a maximum of 260 weeks. The State Insurance Regulatory Authority (SIRA) has recently reminded insurers that for some workers the 260 weeks will be reached in late 2017 or early 2018. As such with the goal of ensuring our customers are at the centre of everything we do, (Insert Insurer), in collaboration with icare, has proactively commenced working with potentially impacted workers and other stakeholders to prepare for this transition from weekly payments.

The legislation provides that for claims that existed in 2012, no weekly payments received prior to 1 January 2013 are to be counted towards the 260 weeks.

As at today's date you have been paid (insert number) weeks of payments. If you continue to receive weekly payments you are likely to reach the 260 weekly limit towards the end of 2017.

To enable us to determine whether you will be entitled to weekly payments beyond 260 weeks we request you attend an assessment with an Independent Medical Assessor. They will assess whether your injury has resulted in permanent impairment and, if so, what that level of permanent impairment is.

You have confirmed you would like to attend the independent medical examination with (Insert name of Doctor).

The details of the appointment are as follows:

(Insert name, address of doctor time and place of appointment)

to assist the doctor, please take with you any x-rays and/or reports of other test results you may have that relate to your injury. We also suggest that you wear comfortable clothing to assist the doctor in examining you.

If it is determined that you have permanent impairment of 20% or less your entitlement to weekly payments will be limited to 260 weeks. If this is the case, we are committed to ensuring you will receive appropriate assistance and support through this transition process and we will be in further contact with you to discuss the assistance available.

More Information

I enclose FAQ's (Frequently Asked Questions) to help you to understand the assessment, its purpose and the next steps once the report is received.

Please contact me on (Insert contact details)

Alternatively, you can contact SIRA's Customer Service Centre on 13 10 50, your union, a legal representative or the Workers Compensation Independent Review Office (WIRO) on 13 94 76.

Yours

FAQ

icare™

worker assistance program



what is section 39 of the Workers Compensation Act 1987?

In 2012 amendments were made to the Workers Compensation Act 1987 and a new provision was introduced (Section 39) which ceases weekly payments for all workers after 5 years (260 weeks), with an exception for those workers with a permanent impairment of 21% and above.

WORKERS COMPENSATION ACT 1987 - SECT 39

39 Cessation of weekly payments after 5 years

- (1) *Despite any other provision of this Division, a worker has no entitlement to weekly payments of compensation under this Division in respect of an injury after an aggregate period of 260 weeks (whether or not consecutive) in respect of which a weekly payment has been paid or is payable to the worker in respect of the injury.*
- (2) *This section does not apply to an injured worker whose injury results in permanent impairment if the degree of permanent impairment resulting from the injury is more than 20%.*
Note: For workers with more than 20% permanent impairment, entitlement to compensation may continue after 260 weeks but entitlement after 260 weeks is still subject to section 38.
- (3) *For the purposes of this section, the degree of permanent impairment that results from an injury is to be assessed as provided by section 65 (for an assessment for the purposes of Division 4).*

how will I know if my payments are going to continue after 260 weeks?

Your case manager will make contact with you over the phone and provide written communication advising of the number of weeks of weekly payments you have received and the current evidence as to the degree of your permanent impairment. Your case manager will also inform you if your weekly payments are expected to cease at 260 weeks.

if my weekly payments cease am I still entitled to benefits such as medical or hospital treatment and rehabilitation?

Entitlements to compensation for costs of medical or hospital treatment and rehabilitation services that are determined to be reasonably necessary, are available for a period of time once weekly payments cease.

The period of time is based upon your permanent impairment percentage and is outlined as follows:

Permanent Impairment	Medical, hospital and rehabilitation entitlements
21%-30%	Reasonably necessary expenses for life
11%-20%	Reasonably necessary expenses up to 5 years after weekly payments cease
0%-10%	Reasonably necessary expenses up to 2 years after weekly payments cease

what happens if my weekly payments cease after 260 weeks?

There will be additional support services and information provided to guide you through this process. Your case manager can provide further information regarding what assistance will be available.

when does my case manager start counting my 260 weeks of weekly payments from?

This depends on when your claim was lodged as explained below:

- If you made your claim prior to the 1/10/2012 then your week count starts on the 1/1/2013.
- If you made your claim on or after 1/10/2012 then your week count starts from the first day of incapacity (your first weekly payment).

how will my case manager count weekly payments to confirm when I will reach 260 weeks?

Your case manager will be required to count the number of weeks in which a payment of weekly compensation was made on your claim. A week will be counted as 1 week where there was a full or part payment of weekly compensation made.

how does my case manager count 260 weeks if I have broken periods of weekly compensation payments?

Any week in which weekly payments of compensation are paid to you (regardless of whether you worked full or partial hours) will be counted as a week and will be counted towards your 260 weeks.

why am I being referred for a permanent impairment assessment?

Section 39 of the Workers Compensation Act 1987 requires your case manager to rely upon the degree of your permanent impairment in order to determine whether you will have an entitlement to weekly payments after 260 weeks. Your case manager needs to ensure that this information is current as the permanent impairment percentage will determine whether or not you will continue to receive weekly compensation payments after 260 weeks.

what if I do not want to attend the medical examination that has been arranged for me?

If you choose not to attend the medical examination then a current degree of permanent impairment cannot be established. If this is the case, your entitlement to weekly payments will cease once the 260 week limit is reached.

can I bring a support person to the independent medical examination?

Arrangements for this will need to be clarified with the medical examiner to confirm if a support person will be allowed during the actual medical examination. Your case manager will confirm in writing, once the appointment has been scheduled, and will include information related to your option of taking a support person with you.

**icare
workers insurance**

who will pay for the costs for travel to the medical examination?

In instances where an appointment requires you to travel across a meal time or extensive travel is required further assistance can be provided for you. Your case manager will discuss the options available to you and assist you with making the required arrangements.

what happens if I want to submit my own permanent impairment assessment?

Your case manager is required to review the permanent impairment assessment report that you submit to determine whether this report meets the necessary requirements. Your case manager should discuss the results of the report directly with you and provide you with advice as to whether a further independent medical examination is still required.

You may still need to attend the independent medical examination arranged by your scheme agent if:

- the information provided by your doctor is determined to be inadequate, unavailable or inconsistent and the identified issues cannot be resolved directly with the treating practitioner.

can I use this assessment to claim for lump sum compensation for permanent impairment under section 66 of the Workers Compensation Act 1987?

For further information and/or to discuss the options available to you please contact your case manager for assistance.



what should I do if I do not agree with the permanent impairment assessment result?

If you do not agree with the degree of permanent impairment amount assessed you should discuss your concerns with your case manager.

You are entitled to lodge a dispute directly with the Workers Compensation Commission. Instructions and forms associated with lodging a dispute are located at <http://wcc.nsw.gov.au/Pages/eScreensMenu.aspx>

Alternately you can contact WIRO on 13WIRO or visit <http://wiro.nsw.gov.au/>

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WIRO WIRE
ISSUED 3 NOVEMBER 2016

SHARE OUR WIRE
    

260 WEEK LIMIT ON WEEKLY PAYMENTS

It has been drawn to my attention that the ICNSW (icare) Scheme Agents are contacting injured workers and then writing to injured workers who may reach the 260 week limit for weekly payments informing them that they have to be assessed to determine whether they have a degree of permanent impairment of more than 20% to be eligible for continuing to receive weekly payments beyond that limit.

As you would be aware s.39 of the 1987 Act states that an injured worker only qualifies for continued weekly payments after the expiry of the 260 weeks if they have a MAC from an Approved Medical Specialist through the Workers Compensation Commission. The worker would also have to qualify pursuant to s.38.

This applies even if the insurer accepts that the worker is a high needs worker.

The brochure which has been and is continuing to be sent to injured workers is misleading and encourages workers to believe that they will have their weekly payments terminated unless the nominated specialist determines that their degree of permanent impairment is more than 20%.

There are also the complications which arise because of the "one assessment" barrier which are not addressed in either the letter or the brochure.

There is no reference to the ability of the injured worker to seek independent advice.

It very important that injured workers understand their rights and also the difficulties that may affect them from the assessment process.

In order to assist injured workers I am preparing a fast track application for funding for the purposes of dealing with this particular aspect. That will shortly be available on the WIRO website.

FOR MORE INFORMATION PLEASE CONTACT

Kim Garling

Workers Compensation Independent Review Officer

13 9476

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Information and enquiries about this WIRE should be directed via email to the WIRO at editor@wiro.nsw.gov.au

For any other enquiries, please visit the WIRO website at www.wiro.nsw.gov.au

Level 4, 1 Oxford Street

Please click here to [unsubscribe](#) from our mail list.